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RECEIVED  
OKLAHOMA INSURANCE DEPARTMENT

**DISTRICT COURT OF PITTSBURG COUNTY  
STATE OF OKLAHOMA**

JUL 10 2012

Legal Division

DENISE OWENS,	)
	)
Plaintiff,	)
Vs.	)
GUARANTEE TRUST LIFE	)
INSURANCE COMPANY,	)
	)
Defendant.	)

Case No.: CJ-2012-170

RECEIVED  
JUL 16 2012  
LEGAL

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT: Guarantee Trust Life Insurance Company  
 C/o Ok State Insurance Commissioner  
 3625 NW 56<sup>th</sup> Street, Suite 100  
 Oklahoma City, Oklahoma 73112

You have been sued by the above named Plaintiff and you are directed to file a written Response to the attached Petition in the Office of the Court in the County named above within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your Response must be delivered or mailed to the attorney for Plaintiff or the Plaintiff if not represented by an attorney.

Unless you respond to the Petition within the time stated, judgment will be rendered against you for the relief demanded in the petition, with costs of the action.

Issued this 5 day of July, 2012.

Cindy Smith, Court Clerk  
 By: Cheryle Briley  
 Deputy Court Clerk

By: Tod S. Mercer  
 Tod S. Mercer, #14157  
 MERCER LAW FIRM, P.C.  
 500 East Choctaw Avenue  
 McAlester, Oklahoma 74501  
 (918) 420-5850 Telephone  
 (918) 420-5855 Facsimile  
*Attorney for Plaintiff*

YOU MAY SEEK ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR RESPONSES. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT A RESPONSE MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

This Summons AND Notice was served on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
 Name of Person Serving Summons

EXHIBIT

“A”

IN THE DISTRICT COURT IN AND FOR PITTSBURG COUNTY  
STATE OF OKLAHOMA

DENISE OWENS,

Plaintiff,

v.

GUARANTEE TRUST LIFE  
INSURANCE COMPANY,

Defendant.

CINDY SMITH

DEPUTY

Case No. CJ-2012-170

**ANSWER OF DEFENDANT**

COMES NOW, Defendant, by and through its counsel of record, Brandon S. Nichols, of Brandon S. Nichols, P.C., of Oklahoma City, Oklahoma and hereby files its Answer to Plaintiff's Petition and states as follows:

1. At the time of Answering, Defendant is without sufficient knowledge, information and/or belief to allow it to admit the allegations contained in paragraph 3 of Plaintiff's Petition and therefore must deny the same;
2. Defendant admits the allegations contained in paragraphs 1, 2, 4, 5, 6, 7, 8, 10, 13 and 14 of Plaintiff's Petition; and
3. Defendant denies the allegations contained in paragraphs 9, 11, 12, 15, 16, 17, 18 and 19 of Plaintiff's Petition and demands strict proof thereof.

**AFFIRMATIVE DEFENSES**

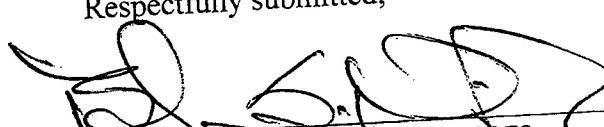
At the time of Answering, Defendant is without sufficient knowledge, information and/or belief to allow it to assert all Affirmative Defense that may be available to it. Therefore, Defendant reserves the right to add, amend and/or supplement its Affirmative Defenses as discovery progresses:

1. Plaintiff has failed to state a claim for which relief can be granted;

2. Defendant is not liable to Plaintiff under any theory of fact or law;
3. Estoppel;
4. Waiver;
5. Statute of limitations;
6. Material misrepresentation with the intent to deceive or conceal;
7. The denial of the claim was supported by the policy;
8. Legitimate dispute;
9. Oklahoma's punitive damage statute is unconstitutional, as applied, under the United States and Oklahoma Constitutions;
10. Defendant's denial was supported by the medical evidence obtained in its investigation of the claim; and
11. Defendant reserves the right to add, amend and/or supplement its Affirmative Defenses as discovery progresses.

WHEREFORE, premises considered, Defendant prays that Plaintiff take nothing by way of her Petition and respectfully requests the Court dismiss this case and for such further legal and equitable relief as the Court deems just and proper.

Respectfully submitted,



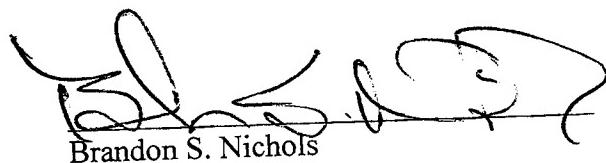
Brandon S. Nichols, OBA # 18973  
BRANDON S. NICHOLS, P.C.  
1215 N. Classen Drive  
Oklahoma City, OK 73103  
Tel. (405) 516.7822  
Fax: (405) 516.7859

ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

On the 6<sup>th</sup> day of August, 2012, a true and correct copy of Defendant's Answer was hand delivered to the following counsel of record:

Tod S. Mercer  
500 East Choctaw Ave  
McAlester, OK 74501



Brandon S. Nichols